

Claims 1-10, 15 and 18-19 were rejected under 35 USC 103(a) for obviousness.

The Examiner indicated that claims 1-10, 15 and 18-19 were unpatentable over EP947576A1(Fuentes-Afflick et al) in view of US4129508 (Friihauf) or WO93/21288 (Bloch et al).

Fuentes-Afflick et al. disclose a gasoline fuel composition that contains a fuel additive composition which improves fuel economy and comprises 2 components which are an amine compound and an ester of a carboxylic acid and a polyhydric alcohol where the ester can be a glycerol monooleate or dioleate. Friihauf discloses a mixture of 3 components which are a succinate reaction product of a hydrocarbyl-substituted succinic acid or anhydride and a polyalkylene glycol or monoester thereof, an organic basic metal salt, and an alkoxyated amine where the mixture is useful in lubricants and fuels for demulsification. The combination of the Fuentes-Afflick and Friihauf disclosures teaches or motivates a practitioner to add the 3 components of Friihauf to the 2 components of Fuentes-Afflick in a resultant gasoline composition to obtain fuel economy and demulsification performance. These 5 components in a resultant gasoline fuel composition will normally interact with each other which may or may not be favorable to fuel economy and demulsification performance. While the combination of the Fuentes-Afflick and Friihauf disclosures teaches a fuel composition having unknown fuel economy and demulsification performance and that contains 5 components, Fuentes-Afflick and Friihauf in combination does not teach or suggest the present invention that combines an alkoxyated amine and a partial ester of a fatty acid and polyhydric alcohol in a gasoline additive concentrate composition and fuel composition and method thereof and which results in improved fuel economy as shown in Tables 1 and 2 on pages 9-10.

Applicants respectfully submit that claims 1-10, 15 and 18-19 are patentable over Fuentes-Afflick in view of Friihauf based on the above remarks.

Bloch et al. is directed to lubricating oil compositions and discloses the combination of an alkoxyated amine and a polyol partial ester of a fatty acid which provides fuel economy performance in lubricating oil, to include natural and synthetic oils as detailed on pages 9-12, compositions such as engine oils and transmission oils. Bloch is silent on the use of the alkoxyated amine and polyol partial ester combination in fuels. Fuentes-Afflick, as discussed

above, is directed to gasoline fuel compositions and teaches a gasoline fuel composition containing specific components that results in fuel economy performance. Fuentes-Afflick is silent on the use of its components in lubricating oil compositions. The combination of the Fuentes-Afflick and Bloch disclosures does not teach, suggest or motivate a practitioner to add the alkoxyated amine or the alkoxyated amine-partial polyol ester combination of Bloch to the fuel composition of Fuentes-Afflick because the disclosures of Fuentes-Afflick and Bloch are mutually exclusive of each other regarding the area of application or use. Consequently, the combination of Fuentes-Afflick and Bloch does not teach or suggest the claimed embodiments of the present invention.

Applicants respectfully submit that claims 1-10, 15 and 18-19 are patentable over Fuentes-Afflick in view of Bloch based on the foregoing remarks.

Claims 11-12 and 16 were rejected under 35 USC 103(a) for obviousness.

The Examiner indicated that claims 11-12 and 16 were unpatentable over EP947576A1 (Fuentes-Afflick et al) in view of US4129508 (Friihauf) or W093/21288 (Bloch et al.) and further in view of US3250715 (Wyman).

Wyman is directed to lubricating oil compositions and discloses a terpolymer that provides pour point depressant performance to lubricants. Wyman is silent on the use of the terpolymer in fuels and, thus, does not teach or suggest the claimed embodiments of the present invention involving a pour point depressant in compositions for fuels. As indicated in the preceding remarks claim 1 of the present invention is patentable over the primary reference Fuentes-Afflick in view of either of the secondary references Friihauf or Bloch because these combined references do not teach or suggest the claimed subject matter of claim 1. Consequently, the tertiary reference Wyman whether taken alone or in combination with the primary reference and either of the secondary references does not teach or suggest the present invention in claims 11, 12 and 16 which involve a polymeric pour point depressant and ultimately depend from claim 1.

Applicants respectfully submit based on the preceding remarks that claims 11, 12 and 16 are patentable over the combination of Fuentes-Afflick with Friihauf or Bloch and further with Wyman.

Claims 13, 14, and 17 were rejected under 35 USC 103(a) for obviousness.

The Examiner indicated that claims 13, 14 and 17 were unpatentable over EP947576A1 (Fuentes-Afflick et al.) in view of US4129508 (Friihauf) or W093/21288 (Bloch et al.) and further in view of US5094667 (Schilowitz et al.) or US5407453 (Pierce-Ruhland et al) or US5697988 (Malfer et al.) or US5876468 (Moreton).

The four tertiary references disclose nitrogen-containing detergents for use in fuels – Schilowitz discloses polyetheramines prepared by hydrogenating the reaction product of a polyether and acrylonitrile, Pierce-Ruhland discloses polyisobutenyl aminoethylethanolamine, and both Malfer and Moreton disclose Mannich reaction products. Claim 1, as indicated in the above remarks, is patentable over primary reference Fuentes-Afflick in view of secondary reference Friihauf or Bloch since these combined references do not teach or suggest the claim 1 subject matter. Therefore, the combination of each of the tertiary references with the primary reference and either of the secondary references does not teach or suggest the invention subject matter of claims 13, 14 and 17 which involve a nitrogen-containing detergent and ultimately depend from claim 1.

Applicants respectfully submit that claims 13, 14 and 17 are patentable over Fuentes-Afflick in view of Friihauf or Bloch and further in view of Schilowitz or Pierce-Ruhland or Malfer or Moreton based on the preceding remarks.

Claims 1-10 were rejected under 35 USC 102(b) for lack of novelty.

The Examiner indicated that claims 1-10 were anticipated by WO93/21288 (Bloch et al.).

Bloch discloses lubricating oil compositions comprising an oil of lubricating viscosity, an alkoxylated amine, and a partial ester of a fatty acid and a polyhydric alcohol. Claims 1-10 of the present invention are directed to a gasoline additive concentrate composition comprising a solvent, an alkoxylated fatty amine, and a partial ester of a fatty carboxylic acid and a polyhydric alcohol. The solvent is selected from aliphatic and aromatic hydrocarbons and alcohols to provide a gasoline additive concentrate composition that is homogeneous and a liquid. Bloch is silent on subject matter related to fuels and does not disclose the solvent of the present invention.

Applicants respectfully submit that Bloch et al. do not anticipate claims 1-10 based on the foregoing remarks.

Claims 1-3 and 5-8 were rejected under 35 USC 102(a) for lack of novelty.

The Examiner indicated that claims 1-3 and 5-8 were anticipated by US 6203584 (Fuentes-Afflick et al.).

Fuentes-Afflick et al. in US6203584 disclose an organic solvent, an amine compound selected from a hydrocarbyl-substituted amine and a poly(oxyalkylene)amine, and an ester of a carboxylic acid and a polyhydric alcohol all of which can be used in a gasoline fuel composition. Claims 1-3 and 5-8 of the present invention are directed to a gasoline additive concentrate composition comprising a solvent, an alkoxylated fatty amine, and a partial ester of a fatty carboxylic acid and a polyhydric alcohol. Fuentes-Afflick et al. do not disclose the alkoxylated fatty amine of the present invention.

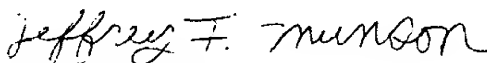
Applicants respectfully submit that Fuentes-Afflick et al. do not anticipate claims 1-3 and 5-8 based on the above remarks.

From the foregoing remarks, it is submitted that the claims are in condition for allowance and that the reply to this Office Action is fully responsive. An early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the undersigned is suggested.

Any deficiency or overpayment in fees for this application should be charged or credited to Deposit Account No. 12-2275 (The Lubrizol Corporation).

Respectfully submitted,

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